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SUMMIT COUNTY  
CLERK OF COURTS  
IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

JOHN A. DONOFRIO,  
As Fiscal Officer of  
Summit County, Ohio

Plaintiff

vs.

BEDFORD ANODIZING REALTY  
CO., INC.  
7860 Empire Parkway  
Macedonia, Ohio 44056

BEDFORD ANODIZING CO., INC.  
7860 Empire Parkway  
Macedonia, Ohio 44056

SOCIETY NATIONAL BANK  
800 Superior Avenue  
Cleveland, Ohio 44114

NATIONAL CITY BANK, nka,  
PNC BANK  
1500 E. 9<sup>th</sup> Street  
Cleveland, Ohio 44114

KEYBANK NATIONAL ASSOC.  
127 Public Square  
Cleveland, Ohio 44114

HOUGHTON METAL FINISHING CO.  
1055 Windward Ridge Pkwy., Ste. 140  
Alpharetta, GA 30005-1729

CASE NO. CV 2011 04 2221

JUDGE ASSIGNED TO JUDGE GALLAGHER

**COMPLAINT**

For Foreclosure of Lien(s) for  
Land Taxes, Assessments, Penalties  
and Interest, Equitable Relief, by  
Action in Rem.

Permanent Parcel Number(s):

33-03804(RTG-NF-0034-06-003.002)  
33-03805(RTG-NF-0034-01-001)  
40-00533(RTG-NF-0039-03-006.001)

Certified Delinquent: 2007, 2004, 2009

Property Addresses: Empire Pkwy.,  
(vacant land) Macedonia, Ohio, 7860  
Empire Pkwy., Macedonia, Ohio and  
Twinsburg Road (vacant land), North-  
field, Ohio

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OHIO BUREAU OF WORKERS  
COMPENSATION  
c/o Ohio Attorney General  
150 E. Gay St., 21<sup>st</sup> Floor  
Columbus, Ohio 43215

LIMPACH, INC., dba,  
JOHNSON INDUSTRIES  
138 E. Market Street  
Warren, Ohio 44481

Defendants

**FIRST COUNT**

1. The Plaintiff, John A. Donofrio, states that he is the duly serving Fiscal Officer of Summit County, Ohio, and for his cause of action, states as follows:

2. That the Delinquent Land Tax List has been duly filed by the Fiscal Officer of Summit County, Ohio;

3. That on said Delinquent Tax List there appears the amount TWELVE THOUSAND FOUR HUNDRED FOURTEEN DOLLARS AND TWENTY FOUR CENTS (\$12,414.24) appearing to be due and unpaid for taxes, assessments, penalties and interest, (a charge on the Summit County Tax Duplicate), and is a good and valid first lien against the real property described in Exhibit "A", specifically parcel number: 33-03804, attached to this Complaint and incorporated herein by this reference and made part of this complaint;

4. That said taxes, assessments, penalties and interest as certified by the Fiscal Officer, have not been paid for one year after certification as delinquent;

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5. That Plaintiff brings this action in foreclosure under §323.25, and §5721.18(A) of the Ohio Revised Code.

6. The Plaintiff further says that the following named Defendants,

Bedford Anodizing Realty Co.

Bedford Anodizing Co., Inc.

Society National Bank

National City Bank, nka, PNC

KeyBank National Association

Houghton Metal Finishing Co.

Ohio Bureau of Workers Compensation

Limpach, Inc., dba, Johnson Industries

have or claim to have some interest in or lien upon said premises, but Plaintiff not being fully advised as to the extent, if any, of such liens or claims, says that the same, if any, are inferior to and subsequent to the lien of the Plaintiff and the Plaintiff prays that said Defendants be required to set up their liens or claims, or be forever barred from asserting the same against the premises described herein, plus any additional accruing interest and penalties.

7. Plaintiff states that there is and will be also be due and payable, and thereby a good and valid lien, any delinquent taxes, assessments, penalties, interest and charges accruing subsequent to the delivery to the Prosecuting Attorney of the Delinquent Land Tax List by the Fiscal Officer and prior to the date of the entry of the Confirmation of Sale; that there is also due the sum of THREE THOUSAND NINE HUNDRED SIXTY FIVE DOLLARS

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(\$3,965.00) to be taxed as costs for a Preliminary Judicial Report, and, that there is and will also be due the costs incurred in this proceeding as deemed proper by the Court.

**SECOND COUNT**

1. The Plaintiff, John A. Donofrio, states that he is the duly serving Fiscal Officer of Summit County, Ohio, and for his cause of action, states as follows:

2. That the Delinquent Land Tax List has been duly filed by the Fiscal Officer of Summit County, Ohio;

3. That on said Delinquent Tax List there appears the amount ONE MILLION TWO HUNDRED EIGHTY TWO THOUSAND EIGHT HUNDRED TWENTY NINE DOLLARS AND NINETY FOUR CENTS (\$1,282,829.94) appearing to be due and unpaid for taxes, assessments, penalties and interest, (a charge on the Summit County Tax Duplicate), and is a good and valid first lien against the real property described in Exhibit "A", specifically parcel number: 33-03805, attached to this Complaint and incorporated herein by this reference and made part of this complaint;

4. That said taxes, assessments, penalties and interest as certified by the Fiscal Officer, have not been paid for one year after certification as delinquent;

5. That Plaintiff brings this action in foreclosure under §323.25, and §5721.18(A) of the Ohio Revised Code.

6. The Plaintiff further says that the following named Defendants,

Bedford Anodizing Realty Co.

Bedford Anodizing Co., Inc.

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Society National Bank

National City Bank, nka, PNC

KeyBank National Association

Houghton Metal Finishing Co.

Ohio Bureau of Workers Compensation

Limpach, Inc., dba, Johnson Industries

have or claim to have some interest in or lien upon said premises, but Plaintiff not being fully advised as to the extent, if any, of such liens or claims, says that the same, if any, are inferior to and subsequent to the lien of the Plaintiff and the Plaintiff prays that said Defendants be required to set up their liens or claims, or be forever barred from asserting the same against the premises described herein, plus any additional accruing interest and penalties.

7. Plaintiff states that there is and will be also be due and payable, and thereby a good and valid lien, any delinquent taxes, assessments, penalties, interest and charges accruing subsequent to the delivery to the Prosecuting Attorney of the Delinquent Land Tax List by the Fiscal Officer and prior to the date of the entry of the Confirmation of Sale; that there is also due the sum of THREE THOUSAND NINE HUNDRED SIXTY FIVE DOLLARS (\$3,965.00) to be taxed as costs for a Preliminary Judicial Report, and, that there is and will also be due the costs incurred in this proceeding as deemed proper by the Court.

### THIRD COUNT

1. The Plaintiff, John A. Donofrio, states that he is the duly serving Fiscal Officer of Summit County, Ohio, and for his cause of action, states as follows:

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2. That the Delinquent Land Tax List has been duly filed by the Fiscal Officer of Summit County, Ohio;

3. That on said Delinquent Tax List there appears the amount FOUR HUNDRED SIX DOLLARS AND SEVEN CENTS (\$406.07) appearing to be due and unpaid for taxes, assessments, penalties and interest, (a charge on the Summit County Tax Duplicate), and is a good and valid first lien against the real property described in Exhibit "A", specifically parcel number: 40-00533 attached to this Complaint and incorporated herein by this reference and made part of this complaint;

4. That said taxes, assessments, penalties and interest as certified by the Fiscal Officer, have not been paid for one year after certification as delinquent;

5. That Plaintiff brings this action in foreclosure under §323.25, and §5721.18(A) of the Ohio Revised Code.

6. The Plaintiff further says that the following named Defendants,

Bedford Anodizing Realty Co.

Bedford Anodizing Co., Inc.

Society National Bank

National City Bank, nka, PNC

KeyBank National Association

Houghton Metal Finishing Co.

Ohio Bureau of Workers Compensation

Limpach, Inc., dba, Johnson Industries

have or claim to have some interest in or lien upon said premises, but Plaintiff not being

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fully advised as to the extent, if any, of such liens or claims, says that the same, if any, are inferior to and subsequent to the lien of the Plaintiff and the Plaintiff prays that said Defendants be required to set up their liens or claims, or be forever barred from asserting the same against the premises described herein, plus any additional accruing interest and penalties.

7. Plaintiff states that there is and will be also be due and payable, and thereby a good and valid lien, any delinquent taxes, assessments, penalties, interest and charges accruing subsequent to the delivery to the Prosecuting Attorney of the Delinquent Land Tax List by the Fiscal Officer and prior to the date of the entry of the Confirmation of Sale; that there is also due the sum of THREE THOUSAND NINE HUNDRED SIXTY FIVE DOLLARS (\$3,965.00) to be taxed as costs for a Preliminary Judicial Report, and, that there is and will also be due the costs incurred in this proceeding as deemed proper by the Court.

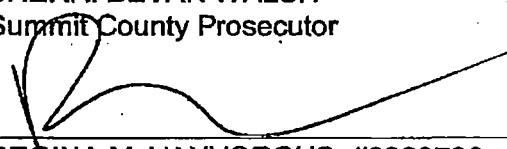
WHEREFORE, Plaintiff demands that the amount of money appearing to be due and unpaid, for taxes, assessments, penalties and interest, subsequent to the delivery to the Prosecuting Attorney of the Delinquent Land Tax List and prior to the Confirmation of Sale, to be found to be due, unpaid and payable, and a good and valid first lien against the herein described property; that such lien against said property be foreclosed; that the Court make such Order for the payment of costs incurred in this proceeding as it is deemed proper, together with THREE THOUSAND NINE HUNDRED SIXTY FIVE DOLLARS (\$3,965.00) for the preliminary judicial report; that unless the amounts found due this Plaintiff together with the costs of this proceeding be tendered to the Fiscal Officer prior to the filing of any entry of Confirmation of Sale pursuant to such proceedings, the equity of redemption of said parties shall be foreclosed; that any person owning or claiming any

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right, title, or interest in, or lien upon the property be required to answer, setting up their interest, if any, on said property or be forever barred from asserting the same; that the Court order said property to be sold according to law; that an Order of Sale be issued to the Sheriff, directing him to advertise and sell said property at public sale in the manner provided by law; that thereafter a report of such sale be made by the Sheriff to the Court for further proceedings under law; and for such further and other relief as in law or equity this Plaintiff may be entitled.

Respectfully submitted,

SHERRI BEVAN WALSH  
Summit County Prosecutor



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REGINA M. VANVOROUS, #0020786  
Assistant Prosecuting Attorney  
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Akron, Ohio 44308  
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Attorney for Plaintiff John A. Donofrio,  
Summit County Fiscal Officer

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